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PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Helmerhorst et al. )  
Application Serial No: 09/400,769 )  
Filed: September 22, 1999 )  
Title: Use of Non-Peptidyl Compounds )  
For The Treatment of Insulin-Related )  
Ailments )  
Group Art Unit: 1614 )  
Examiner: H. Robinson )

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2002. 9/26/02

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## AMENDMENT AND REPLY PURSUANT TO 37 CFR §§ 1.111 AND 1.115

Commissioner for Patents  
Washington, D.C. 20231

In an Official action dated June 12, 2002, the Patent Office rejected claims 1-19 variously under 35 U.S.C. §101 and 35 U.S.C. § 112, second paragraph. This amendment is timely filed within the deadline for response of September 12, 2002. No fees are believed to be due; however, should any fees be deemed necessary in connection with the filing of this document, the Commissioner is hereby authorized to deduct any such fees from Marshall, Gerstein, and Borun account number 13-2855. In light of the remarks presented below, the applicants respectfully request withdrawal of the rejections and favorable reconsideration of the application.

## AMENDMENTS

09/19/2002 CNGUYEN 00000073 09400769

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162.00 DP

In the Claims:

Please cancel claims 18 and 19; replace claims 1, 5, 6, and 11 with the following amended claims and add the following new claims 20-31:

1. A method for treating a patient suffering from hyperglycemia one or more insulin related ailments, which method comprises the step of: administering to a patient in need thereof a therapeutically effective amount of a non-peptidyl compound that is a biological modulator of